

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

PHILLIP D. BARGAS,	)	
	)	
Plaintiff,	)	Case No. CV 04-109-AS
	)	
vs.	)	ORDER
	)	
JO ANNE B. BARNHART, Commissioner,	)	
Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

KING, Judge:

The Honorable Donald C. Ashmanskas, United States Magistrate Judge, filed Findings and Recommendation on May 12, 2005. Plaintiff filed timely objections to the Findings and Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business

Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Ashmanskas. This court ADOPTS the Findings and Recommendation of Magistrate Judge Ashmanskas dated May 12, 2005 in its entirety.

IT IS HEREBY ORDERED that the Commissioner's final decision is affirmed.

DATED this 23<sup>rd</sup> day of June, 2005.

/s/ Garr M. King

GARR M. KING  
United States District Judge